

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 23, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, March 9, 2011 Worksession.

Action: Approved, (SBB/WSB, 5-0).

2. **CBA-1174-D, Petition of Holton-Arms School** (private educational institution). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/DKP, 5-0).

3. **CBA-2521-K, Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: site plan/title page; enclosure at emergency generator; enclosure at emergency generator/foundation plan and sections; mechanical site plan; generator enclosure plans; electrical site plan].

Action: Granted the administrative modification, (CJS/SBB, 5-0).

4. **CBA-2813, Petition of Mary E. Mosley** (home occupation). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that special exception has been abandoned and requesting a Show Cause Hearing.

Action: Schedule a Show Cause Hearing, (DKP/WSB, 5-0).

5. **S-1935, Petition of Edith Taylor** (accessory apartment). Memorandum from Travis Aldous, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the Agent of the petitioner.

Action: Revoked the special exception as abandoned, (WSB/SBB, 5-0).

6. **S-2189, Petition of Hwaida M. Hassanein, Mabrouka I. Hassanein and Magdi Y. Hassanein** (child day care facility). Letter to the Board from the petitioners requesting an administrative modification.

Action: Granted the administrative modification, (CJS/WSB, 5-0).

7. **S-2316, Petition of West*Group, Inc.** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: special exception plat, elevations/2 sheets].

Action: Granted the administrative modification, (SBB/DKP, 5-0).

8. Returning Item. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time.

Action: BOA to schedule a review hearing as soon as the schedule will permit, (CJS/WSB, 5-0)

9. **S-2732, Petition of M. Wajeed Khan, M.D.** (non-resident professional office). Letter to the Board from Stanley Abrams, Esquire, requesting a 12-month extension of time.

Action: Granted a 12-month extension of time, (DKP/SBB, 5-0).

DECISION ITEMS:

10. **S-2780, Petition of T-Mobile Northeast, LLC and Wildlife Achievement Club Chapter of the Izaak Walton League of America** (telecommunications facility). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions; (3) granted the administrative modification of Case No. S-570, (DKP/SBB, 5-0).

DECISION ITEMS (continued):

11. **S-2782, Petition of Theresa DelaSanta** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a Request for Oral Argument from the Mapalad Development, Inc.

Action: Granted the request for oral argument, (SBB/DKP, 3-2)

12. **S-2786, Petition of Juan Jose Melendez** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (SBB/WSB, 5-0).

PENDING ITEMS:

13. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
14. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
15. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
16. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
17. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].

PENDING ITEMS (continued):

18. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
19. **S-2313, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: special exception plat and elevations/2 sheets]. (1) Granted the administrative modification; (2) the Board will request an inspection report within a year of the issuance of a building permit for the new construction. [W/S 11/17/10].

Board Members

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Walter S. Booth
Carolyn J. Shawaker
Stanley B. Boyd

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist